

REMARKS

The following are the applicant's response to the notice of non-compliance. A copy of an amended specification with corrections and additions imported are enclosed in addition to a marked up version of the previous specification. It should be noted that the original specification lacked both a claim and an abstract of which were submitted in subsequent communications. In addition, the applicant submitted correspondence on 7/25/2000, prior to the filing date as the issuing of the filing date was delayed due to missing parts in the application. The applicant mentioned that it was in response to an inquiry from the USPTO. I have included this correspondence and amended the specification and claim to reflect the species name as requested.

Objection to the Disclosure under 35 CFR 1.163(a) and 35 U.S.C. 112

The disclosure was objected to because the specification presented a less than a full, clear, and complete botanical description of the instant plant. Accordingly, the specification has been amended, according to the examiner's suggestions, to more clearly and completely describe the plant. It is respectfully requested that the objections to the disclosure be withdrawn.

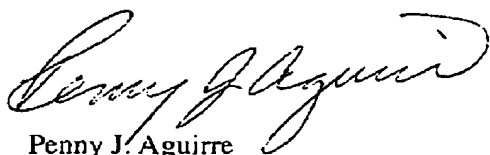
Claim Rejection under 35 U.S.C. 112, 1st and 2nd Paragraphs

The claim was rejected under 35 USC 112 as not being supported by a clear and complete botanical description. Accordingly, the botanical description has been amended to more clearly describe the plant. It is respectfully requested that the 35 U.S.C. 112 rejection be withdrawn. The claimed plant is now believed to be in condition for allowance.

CONCLUSION

The examiner's attention to each of the parts of the patent application is greatly appreciated. The examiner is encouraged to contact the applicant's agent for any additional information that can be provided to move the application towards allowance.

Respectfully submitted,



Penny J. Aguirre

Signed____01/19/2007____

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~~PLANT PATENT APPLICATION FOR *Sedum purpureum* 'Pink Chablis'~~

~~The present invention comprises a new and distinct cultivar of *Sedum spectabile*, hereafter referred to by the cultivar name 'Pink Chablis'.~~

~~'Pink Chablis' is a new and distinct variety of showy stonecrop, a succulent clump forming cold hardy perennial from Asia. 'Pink Chablis' is unique and outstanding for its broad, horizontally carried, flattened leaves with white variegated margins.~~

~~In addition, 'Pink Chablis' bears broad rounded clusters of white budded, pink fall borne flowers.~~

TITLE OF THE INVENTION

Sedum spectabile plant named 'Pink Chablis'.

CROSS REFERENCE TO OTHER APPLICATIONS

This application does not cross reference with other related applications.

FEDERALLY SPONSORED RESEARCH

This application does not relate to any federally sponsored research.

LATIN NAME OF THE GENUS AND SPECIES OF THE PLANT CLAIMED

'Pink Chablis' is claimed to be a cultivar of the genus *Sedum* and species *spectabile*.

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VARIETY DENOMINATION

'Pink Chablis'

BACKGROUND OF INVENTION

'Pink Chablis' originated in Nunica, Michigan as a naturally occurring branch sport (mutation) of the unpatented cultivar *Sedum spectabile* 'Brilliant' (not patented). The parent plant of *S. spectabile* 'Brilliant' was growing in a nursery setting (Hortech) in a 1 gallon size container. Christopher Howe noticed the branch sport mutation (containing variegated leaves and later named 'Pink Chablis') during the course of his duties as an employee of Hortech. The cultivar 'Brilliant' typically displays blue-green leaves, green flower buds, and deep purplish pink flower petals on rounded inflorescences. 'Pink Chablis' differs in having its blue green leaves edged in creamy white. Furthermore, its flower buds are white, and its flower petals are light pink. It is similar to the parent cultivar only in habit (shape) of the plant.

The first successful asexual reproduction of 'Pink Chablis' was carried out by its discoverer, Christopher Howe. This propagation took place under controlled conditions in Nunica, Michigan, on June 15, 1995. The mutated branch was excised and consisted of four sets of leaves and a stem. It was cut (with a knife) and prepared into two cuttings each containing two sets of leaves. These were treated with 3000 ppm IBA, and rooted under intermittent mist over a period of two weeks. Two cuttings rooted and were transplanted to separate one-gallon size pots for further growing.

SUMMARY OF INVENTION

Once the plants rooted in to the one-gallon pots and matured, a process that typically takes one full growing season, they were planted out in the landscape where they displayed blue green leaves that were edged in creamy white. In

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~~August white flower buds were formed in broad flat-topped panicles. By September, the flower buds had opened to reveal petals of clear pink. The overall habit of the plants was similar to the parent cultivar. Mature plants reach approximately 1 1/2 feet tall (measured from soil to top of foliage plane) and approximately 20 inches tall when in flower (measured from soil to top of plane of the inflorescences). Mature plants display a width of approximately 2 feet across.~~

On February 28, 1996 international registration as an herbaceous plant cultivar was applied for. The international registrar at the International Plant Union in Freising Germany approved the application for registration on March, 22 1996.

~~'Pink Chablis' originated as a branch sport (mutation) from the species Sedum spectabile and is similar to the parent species in the morphology of its flowers stems and foliage. The first successful asexual reproduction of 'Pink Chablis' was carried out by its discoverer, Chris Howe, employee of Hortech. This propagation took place under controlled conditions in Nunica, Michigan, on June 15, 1995.~~

~~The sport was excised, treated with 3000 ppm IBA, and rooted under intermittent mist over a period of two weeks. One cutting rooted and was transplanted for evaluation.~~

~~'Pink Chablis' has not been observed under all possible environmental conditions, and the phenotype may vary significantly with variations in environment, such as temperature light intensity and day length. The following observations, measurements, and comparisons describe this plant as grown in Nunica, Michigan when container grown (outdoors without cover) in conditions that approximate those generally used in commercial practice.~~

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BRIEF DESCRIPTION OF THE VARIOUS VIEWS OF THE DRAWINGS

The accompanying photographic illustrations show typical foliage of the cultivar and the closest known comparison plant (the unpatented cultivar *Sedum* 'Frosty Morn') with color being as accurate as possible with renditions of this type. The photographs were taken at 1:00 P.M. July 1st, 1999 (foliage depictions) and September 1st (floral depictions) 1999 under cloudy conditions, in Nunica, Michigan. The film used was Fujifilm ISO 200 exposed for 1/30 second at F8 using no filters.

~~Illustrations 1-2 are perspective views of *Sedum purpureum* 'Pink Chablis'. Illustrations 3 to 4 are perspective views of *Sedum purpureum* 'Frosty Morn'.~~

~~Figure 1 depicts a top perspective view of 'Pink Chablis'.~~

~~Figure 2 depicts flowers and foliage of 'Pink Chablis'.~~

~~Figure 3 depicts plants of the comparison cultivar 'Frosty Morn'.~~

~~Figure 4 depicts a side perspective view of the comparison cultivar 'Frosty Morn'.~~

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DETAILED BOTANICAL DESCRIPTION

'Pink Chablis' has not been observed under all possible environmental conditions, and the phenotype may vary significantly with variations in environment, such as temperature, light intensity and day length. The following observations, measurements, and comparisons describe this plant as grown in Nunica, Michigan when container grown (outdoors without cover) in conditions that approximate those generally used in commercial practice.

The following traits have been repeatedly observed and are determined to be the basic characteristics of 'Pink Chablis', which in combination distinguish this showy sedum as a new and distinct cultivar. The plants described were 3 years old and grown in the ground in full sun conditions in Nunica, Michigan. The color codes correspond to The Royal Horticultural Society Color Chart. The following description is based upon a four year old plant that is mature in every respect.

1. Succulent ~~(Deciduous)~~ foliage is simple, oppositely arranged and sometimes whorled. In youth, the foliage is obovate in outline, 1 inch long, 1/2 inch wide, irregularly toothed above the middle, hairless, tacky to the touch, and colored light-green 129-C. Immature leaves bear the same colors on their upper and lower surfaces. Leaf margins are colored green white 157-A above and below, 1/16 inch to 3/16 inch wide. Petioles at this stage are wiry, 1/16 inch wide, colored 129-C. Leaves sessile. Juvenile leaf apices obtuse, bases broadly cuneate.
2. In maturity, the foliage is obovate in outline, hairless, 3 - 3 1/2 inches long, 1 1/2 - 2 inches wide. Mature leaves bear the same colors on their upper and lower leaves. Leaf blades are colored green 129-A with slender irregular areas of lighter green 129-C. Irregularly toothed. Leaf margins are 1/8 inch to 3/8 inch wide, colored green white 157A. 1/8 inch to 3/8 inch wide. Petioles at this stage are thickened, 1/4 inch wide, colored green 128D. Leaves sessile. Apices obtuse, bases broadly cuneate.
3. The midvein is light green 130-C and is only slightly raised above the blade. It gives rise to smaller and equally visible secondary veins of the same color.

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4. Stems are herbaceous and arise vertically from a clump. Typically they are erectly oriented, sometimes arching. Stems reach 14 to 18 inches in length, 1/4 and mature to 1/2 inch wide. The stems are round in cross section and range from 1/4 to 3/8 inch wide. In youth and in maturity they are colored green 128-D.
5. Internodes range in length from 1 to 1 1/2 inches.
6. Bisexual flowers are borne in August. Flower buds are ovate with sharp terminal point, 3/16 in. long, 1/8 in. wide, and colored white 155-D. During September, they open to reveal pink, 64C, and borne during August, lasting through September, petals (same color top and bottom). Individual flowers are 1/4 inch wide and 5 petaled. The panicles are 5 to 6 1/2 inches wide, dense, with 20 to 30 forked branches. Flowers exude a mild sweet fragrance. The flowers are with five red pistils 1/4 to 3/8 inch in length, five stamens 1/4 to 3/8 inch in length and 5 white sepals 1/32 inch wide and 1/16 inch long. Petals are 1/16 inch wide and 1/16 inch long and ovate shaped. Their apexes are acute, bases connate, and margins smooth. Individual flowers last approximately one month, are 5-parted, and reach 1/4 inch wide.
7. Flowers are densely set and arranged in compound cymes which reach 5 to 6 1/2 inches wide in maturity. Each inflorescence is held at a height of approximately 20 inches above the ground. Each carries 500-750 flowers. Flowers exude a mild sweet fragrance. Flowers are with five red-purple 74-A pistils 1/4 to 3/8 inch in length, five red-purple 74-A stamens 1/4 to 3/8 inch in length, and 5 white 155-D sepals (same color top and bottom). Sepals are 1/32 inch wide and 1/16 inch long and ovate or lanceolate. Their apexes are acute and bases connate, and margins smooth.
8. Peduncles range from 3/4 to 1 1/4 in. long, 1/8 in. wide, green 192-B. Pedicels range from approximately 3/8 to 7/18 in. long, 1/16 in. wide, colored green 192-B.
9. Carpels erect and pale pink 49-D, stigmas 1/16 inch wide red purple 67-B, styles 1/32 in. wide and 1/8 in. tall colored red-purple 62-D, and ovaries 1/10 in. diameter colored 62-D. Red-purple 72-B pollen is sparsely produced.
- 7-10. Aggregate fruit is 1/16 inch to 2/16 inch in length, 1/32 to 2/32 inch wide at the base rising to a pointed tip.
11. Mature plants typically display broad, compact, mounded habit. Maximum observed height is 18 inches (prior to blooming) and maximum observed width is 24 inches.

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Other cultivars of *Sedum spectabile* include 'Frosty Morn', ~~which is not patented which and~~ differs in having more slender curled leaves orientated at 45 degree angles from the stems. The branches of 'Frosty Morn' exceed 24 inches. The flowers of 'Frosty Morn' are less dense and uniform. The panicles are 3 to 4 inches wide with 10-20 forked branches.

Propagation is successfully achieved spring through summer by stem cuttings. Plants are successfully propagated by crown division year-round. Plants produced by these methods remain true to type. No resistance or unusual susceptibility to common diseases and pests of this host have, to date, been observed or verified. Winter hardiness is reliable in USDA Zone 4B through 7B.

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Claim:

1. A new and distinct showy *Sedum spectabile* plant named 'Pink Chablis', as illustrated and described.

ABSTRACT OF THE DISCLOSURE

A showy *Sedum* cultivated variety (cultivar) named 'Pink Chablis', characterized by white and blue-green variegated leaves, compact habit, and pink fall borne flowers.